



MONTGOMERY COUNTY ETHICS COMMISSION

Advisory Opinion No. 03-007 (Item 03-007)

The supervisor of a police officer asks whether that officer can work as an entertainer for various alcohol establishments while in charge of the department's Alcohol Initiatives Unit, whose duties include the enforcement of criminal and administrative violations of liquor control laws. We conclude that the officer cannot work at these alcohol establishments because that would put him in direct conflict with his duties as a police officer enforcing liquor control laws.

Absent a waiver, a public employee must not be employed by any business that is regulated by the County agency with which the public employee is affiliated. § 19A-12(b)(1)(A) Montgomery County Code (1994), as amended. In this case, the police officer cannot be employed in any capacity by the same businesses he is charged with regulating under the liquor control laws.

The conflict in this case arises because of the officer's specific alcohol enforcement duties, not his general police powers. Indeed, the Ethics Commission previously gave this officer permission to engage in secondary employment as an entertainer. But now, the officer's new duties put him in direct conflict with his secondary employment.

The officer cannot work as an entertainer for hire at any establishment where he or his unit conduct enforcement. He is free to continue working at other establishments.

FOR THE COMMISSION:

Elizabeth K. Kellar, Chair